



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,900	09/28/2000	Stuart A. Fraser	CF/008	7800
1473	7590	12/09/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			ZURITA, JAMES H	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/670,900

Applicant(s)

FRASER ET AL.

Examiner

James H. Zurita

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-17,20-37,41-56,60-77,81-98,102-119 and 123-134 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-17,20-37,41-56,60-77,81-98,102-119 and 123-134 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Prosecution History***

The present is provided to clarify the record.

On 28 September 2000, applicant filed the instant application. Applicant claims priority to provisional application 60/156474, filed 28 September 1999.

On 28 October 2002, applicant's preliminary amendment added claims 13-128.

On 18 August 2003, the Examiner issued a non-final rejection of claims 1-4, 6-18, 20-37, 39, 41-56, 58, 60-77, 79, 81-98, 100, 102-119, 121 and 123-128 as anticipated by Gebb (US 6,067,532). Claims 38, 57, 78, 99 and 120 were rejected as unpatentable over Gebb. Claims 5, 18, 40, 59, 80, 101 and 122 were rejected as unpatentable over Gebb in view of Walker (US 6,240,396).

On 10 December 2003, applicant cancelled claims 38, 57, 78, 99 and 120 and amended claims 1, 2, 5, 13, 18, 19, 34, 53, 74, 95, 116, 117, 123, 126 and 127.

On 13 April 2004, the Examiner issued a second non-final rejection of claims 1-52 as unpatentable over Gebb, above. Claims 53-56, 58-77, 79-98, 100-119, 121-128 were rejected as unpatentable over Gebb, above, in view of Official Notice.

On 16 February 2005, applicant filed a response. It was forwarded to the Examiner on 7 October 2005.

### ***Response to Amendment***

Applicant's amendment of 16 February 2005 has been entered. In the amendment, Applicant

Art Unit: 3625

- amended claims 1, 13, 34, 53, 74, 95, and 116.
- cancelled claims 2, 5, 18, 19, 38-40, 57-59, 78-80, 99-101, and 120-122.
- added claims 129-134.

Claims 1, 3-4, 6-17, 20-37, 41-56, 60-77, 81-98, 102-119, 123-134 are pending and will be examined.

Claims 1, 13, 34, 53, 74, 95 (directed to methods) and claim 116 (directed to an arrangement) are independent

***Claim Rejections - 35 USC § 112 – first paragraph***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 13, 34, 53, 74, 95 and 116 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1, 13, 34, 53, 74, 95 (directed to methods) and claim 116 (an arrangement) were amended to include, emphasis added:

...receiving a request to [transfer/sell] the item from the first consumer wherein the **request** includes a transfer ***criterion*** and **an interface selected by the first consumer**, the consumer selectable interface comprising one of an advertising interface to advertise availability of the item and a bidding interface to solicit bids for the item...

The Examiner notes that the claims require that the first consumer's **request** includes **(a) transfer *criterion* and (b) an interface** that was selected by the first

Art Unit: 3625

consumer... However the specifications do not provide support for including both (a) and (b) in a first customer's request:

...Initially, these systems and methods wait for a first consumer to make a **request** to **transfer** an item (such as an airline ticket) after having purchased the item (directly or indirectly) from a provider (such as an airline). ...This information may be presented as part of a bidding **interface** or as part of an advertising **interface**. Once the second consumer submits a winning bid for the item when the information is presented in a bidding **interface**, or an acceptable offer when the information is presented in an advertising **interface**, the **transfer** of the item can then be completed with or without the assistance of an intermediary (that may also be a provider of the systems and methods of the present invention). Disclosures, page 3, lines 3-24, emphasis added.

When a transfer is requested, system 2 may prompt first consumer 3 for the desired conditions for the transfer. For example, system 2 may prompt first consumer 3 as to whether first consumer 3 would like to **auction** the item or simply **post** an advertisement for the item. Page 5, lines 15-20.

...Upon creating the profile, consumer 3 may then request to transfer an item with restricted transferability at step 23. The consumer may request to transfer the item by **auctioning** or **posting** an advertisement for the item. Page 6, line 31-page 7, line 1.

...Information may be provided [by the intermediary system] in the form of an advertisement or as part of an auction system. In response to this information [provided by the system] a second consumer 5 may indicate a willingness to receive the item via an auction or in response to a posted advertisement, for example. Page 7, lines 31-5, amended 05/28/02

The Examiner notes that there is no mention of a first consumer's request to include "...an interface selected by the first consumer, the consumer selectable interface comprising one of ..."

For the Examination, the claims will be interpreted according to the specifications, which do not support including an interface in a first consumer's request.

Claims 23, 42, 63, 84, 105 refer to "...instructing the first consumer to send the [item/concert ticket/sporting event ticket] to the provider..." The specifications disclose sending the item to an intermediary or a transfer system, but not to the provider.

Claims 24, 43, 64, 106, 85, 106 refer to "...in response to the provider receiving the [item/concert ticket/sporting event ticket] from the first consumer, and the second

Art Unit: 3625

consumer making the payment, providing for the provider to send the item to the second consumer. The specifications disclose that these functions are performed by an intermediary or transfer system, but not the provider.

Claims 25, 44, 65, 86, 107 refer to "...upon the provider receiving the [item/concert ticket/sporting event ticket] from the first consumer..." The specifications disclose that an intermediary or transfer system receives the [item/]. The provider does not receive the [item/].

Claims 26, 31, 45, 50, 66, 71, 87, 92, 108, 113 refer to "...providing for the provider to receive a fee from the payment from the second consumer..." The disclosures do not provide support for this limitation. The disclosures state:

...Transfer system 2 may then request that provider 4 authorize a transfer of the item at step 9. System 2 may also ask provider 4 to verify that first consumer 3 is in fact in possession of the item. When requesting authorization at step 9, system 2 may indicate an inducement to provider 4 that may be granted in exchange for the provider granting authorization to transfer the item. For example, a flat **fee** (such as \$50) may be paid to the provider system in order to release the restriction on transferability. As another example, a percentage **fee** (such as 10% of the transfer price) may be paid to the **provider system**. As yet another example, the **fee** paid may be higher when the provider system is also trying to sell similar items to other consumers (e.g., when a corresponding flight is not sold out) and lower otherwise. As still another example, the provider system may place additional restrictions on the transfer, such as a minimum transfer price, a maximum number of items that may be sold, or any other suitable restriction, or any suitable combination thereof.

There is basis for providing a fee or percentage to a provider **by the intermediary**, but the disclosures do not show that the fee is provided from the payment made by the second consumer.

***Claim Rejections - 35 USC § 112 – second paragraph***

Art Unit: 3625

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 13, 34, 53, 74, 95 and 116 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what "consumer selectable interface" comprises. The only mentions of interfaces in the specifications follow, emphasis added:

Once the request is received, the systems and methods then compose and send a request to transfer the item to the provider. This request may indicate inducements to the provider that will be granted in exchange for the provider authorizing a transfer. If the transfer is authorized, the systems and methods then present information regarding the item to other consumers, including a second consumer. This information may be presented as part of a **bidding interface** or as part of an **advertising interface**. Once the second consumer submits a winning bid for the item when the information is presented in a **bidding interface**, or an acceptable offer when the information is presented in an **advertising interface**, the transfer of the item can then be completed with or without the assistance of an intermediary (that may also be a provider of the systems and methods of the present invention). Page 3, lines 5-24.

Referring to FIG. 2, an example of a process for performing steps 8-11 of FIG. 1 is illustrated. As shown in FIG. 2, an **interface** may be presented at step 22 to consumer 3 that allows the consumer to create a consumer profile. The **interface** may, for example, prompt the consumer for his/her full name, address(es), telephone number(s), e-mail address(es), credit card information, and any other information suitable for use by transfer system 2. page 6, lines 20-30.

At step 32, system 2 uses this information to determine whether first consumer 3 wants to advertise or auction the item. When the consumer desires to auction the item, the system may add the item to a **bidding interface** at step ~ At step 34, second consumer may be presented with this **interface** in order to enable that consumer to place a bid on the item. This **interface** preferably facilitates the consumer' inputting bidding information at step 33/." Bidding information may include the consumer's name, billing address, shipping address, bid, d/or any other suitable information. At step 3,/ the system may then determine if the auctioning period is over. If the auctioning period is not over, process 30 may loop back to step ~4 and allow additional bids to be placed. In this example, system 2 will provide the item to the consumer with the best bid placed at step 34 prior to the end of a bidding period. The bidding period may be determined by consumer 3,lr system 2 and may be for some period of time after a first bid is received or until at least one bid is received after at least a minimum period of time. Page 9, line 21-page 10, line 8.

If it is determined at step 32 that consumer 3 decided to post an advertisement at step 3,2-," however, system 2 may then add the item to an **advertising interface** at step 37. Second consumer 5 may be presented with this **interface** in order to facilitate offering to

Art Unit: 3625

buy the item at step 38~ When second consumer 5 offers to buy the item, system 2 may provide a notification to first consumer 3 at step 39~ For example, system 2 may provide the item to second consumer 5 when his offer matches the criteria of the request information. For example, the given offer must be greater than or equal to an asking price. Page 10, lines 9-20.

According to the specifications, the first consumer **does not** select any interface, but merely enters his data into an interface that is also provided by the intermediary system, as in Fig. 2, item 23.

For purposes of the Examination, the term consumer selectable interface will be given its broadest reasonable interpretation consonant with the specifications. The term will be interpreted to mean any interface that a seller might use to input information into an intermediary system, such as might happen in an enrollment process.

### ***Response to Arguments***

Applicant's arguments filed 16 February 2005 have been fully considered.

Rejection of claims under 35 USC 101 is withdrawn in view of amendment.

Rejection of claims under 35 USC 112 are maintained.

Applicant's arguments concerning Gebb are not persuasive.

In response to applicant's argument that the references fail to show certain features (i.e., allowing a **first consumer** to present information on an item to a **second consumer** in a consumer selectable interface as recited in independent claims 1, 13, 34, 53, 74, 95, and 116) of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from



Art Unit: 3625

the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As noted in the rejection under 35 USC 112, first paragraph, the disclosures do not support applicant's limitations to "...allowing a **first consumer** to present information on an item to a **second consumer** in a consumer selectable interface..."

The disclosures state:

Initially, these systems and methods wait for a first consumer to make a request to transfer an item (such as an airline ticket) after having purchased the item (directly or indirectly) from a provider (such as an airline). Once the request is received, the systems and methods then compose and send a request to transfer the item to the provider. This request may indicate inducements to the provider that will be granted in exchange for the provider authorizing a transfer. If the transfer is authorized, the **systems and methods then present information regarding the item to other consumers**, including a second consumer. This **information may be presented as part of a bidding interface or as part of an advertising interface**. page 2, lines 3-17, emphasis added.

Thus, the first consumer **does not** select the interface, as applicant implies, but is only limited to responding to prompts:

When a transfer is requested, system 2 may prompt first consumer 3 for the desired conditions for the transfer. For example, system 2 may prompt first consumer 3 as to whether first consumer 3 would like to **auction** the item or simply **post** an advertisement for the item. Page 5, lines 15-20.

Therefore, applicant's arguments are not persuasive.

Applicant relies on Col. 1, lines 5-7, Col. 2, lines 43-50, Col. 3, lines 43-50, Col. 7, lines 59-67 to support his assertions that, in Gebb

...the system automatically selects the manner in which an event ticket is to be sold without 'the seller's input...

... the system automatically determines whether the event ticket will be sold 1) at a market price based on demand and/or a service fee or 2) in an offer database based on state or arena restrictions.

The system does not allow a seller to select the manner in which of event ticket is to be sold.

Again, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant states,

In particular, the Examiner merely states that it would have been obvious to one skilled in the art at the time to allow the seller to choose a preferred method of sale, i.e., auction or set-price, in order to give the seller the most flexibility, thereby enhancing customer satisfaction" (Office Action, p. 6, lines 14-17).

In response, a "traverse" is a denial of an opposing party's allegations of fact.<sup>1</sup> The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. *In re Boon*, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

---

<sup>1</sup> Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

Art Unit: 3625

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03  
Reliance on Common Knowledge in the Art or "Well Known" Prior Art.

In view of applicant's failure to adequately traverse official notice, the following are admitted prior art::

it would have been obvious to one skilled in the art at the time to allow the seller to choose a preferred method of sale, i.e., auction or set-price, in order to give the seller the most" flexibility, thereby enhancing customer satisfaction" (Office Action, p. 6, lines 14-17).

...membership-based websites that require password, login or some sort of identifying information to access the content are notoriously known in the art - examiner would like to note that the term "membership" is interpreted as broadly as possible and does not denote requirement of payment or subscription, it is merely defined here as a system that requires recognition of a user. Such mechanisms are generally implemented by requiring a user to supply certain information - including but not limited to a name, contact information, billing information -and storing that information in association with an identification - a password, a pin number, an ID, etc. - unique to the user. The user then can only view content on the website they are registered and have provided the system with some information by which the system can track their activities and preferences. Such systems are widely implemented for the purpose of creating more relevant content and sales promotions that are targeted to the particular needs of each user, thereby increasing the likelihood of a sale.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-4, 6-17, 20-37, 41-52, 130, 131 are rejected under 35 U.S.C. 103(a) as being anticipated by Gebb U.S Patent No. 6,067,532.

Gebb discloses a method for redistributing tickets on a secondary market. Potential sellers (first consumers) enroll with the system manager via telephone, fax, mail, E-mail, or Internet (the first consumers enroll in the system to transfer an item with

Art Unit: 3625

restricted transferability) [Col 6, Line 2]. The sellers submit an address, a credit card and/or other information to verify their identity and trustworthiness [Cal 6, Line 5]. The system then sends a consignment data packet to the seller's computer requesting that the seller approve the consignment agreement (requesting authorization to transfer the item) [Col 6, Line 15]. After the seller is verified, the ticket information itself is verified with the master arena (provider) database. In a preferred embodiment, the master arena database verifies the existence of the event and seat and the initial sale of the specific seat (contacting the provider to verify whether the first consumer possess the item) [Col 7, Line 36]. The ticket server limits the number of tickets, which an individual seller can consign per event (placing additional restrictions on the item where the constriction comprises a maximum number of tickets available for sale) [Col 7, Line 50]. The ticket server also analyzes any agreements with the particular arena, promoter or entity (providers) regarding the establishment of resale prices (restriction comprises at least one of minimum transfer price, a provider authorizing the transfer) [Col 7, Line 53].

Once the seller has authorized the transaction and their information has been verified, their ticket information is sent to the system and stored in the ticket database [Col 5, Line 9]. In one scenario, the system calculates a set price for the ticket and posts the resale opportunity is simply posted at this price (advertising interface) [Col 7, Line 55]. Alternatively, the ticket information can be placed in an offer database allowing potential buyers (second consumers) to bid for the ticket such that the ticket will be sold to the highest bidder (bidding interface, receiving a bid to purchase the item from the

Art Unit: 3625

second consumer in response to presenting information on the item, acceptance of the bid by the first consumer).

Buyers can browse available tickets and place their bid (presenting information on the item to a second customer [Col 7, Line 65]. If their bid is successful then the buyer pays for the ticket at the time of purchase using any known credit card transaction or payment mechanism known in the art, i.e. cash, check, smart card [Col 8, Line 30]. Buyers must enter their credit card, address and other demographic information to be stored in a buyer database [Col 8, Line 37]. The buyer's information is verified before their purchase of the tickets is authorized (authorization of second consumer prior to arranging for transfer) [Col 8, Line 44]. The ticket is then distributed to the buyer via a desired distribution method selected by the buyer [Col 8, Line 44]. These measures include mailing the ticket to the system manager, from the seller, for redistribution, deactivating the authorization on the initial ticket, or informing the arena not to accept the original ticket (instructing the first consumer to send the item to the second through the provider and providing for the second consumer to make payment for the item, instructing the first consumer to send the item to the second consumer directly and providing for the second consumer to make payment) [Col 9, Line 2].

If the entire transaction is conducted properly, the seller is credited a predetermined amount - for example the face value of the ticket less the transaction fee or less any other fees as required by contract with the arena (provider) the State, etc. (the provider receives a fee from the payment of the second consumer, where the fee is

a flat or a percentage payment) [Col 9, Line 16]. The seller can be credited by any number of means including cash check, etc.

Gebb does not explicitly disclose that the system and method incorporates a "consumer selectable interface". However, in that the system supports both selling formats, it would have been obvious to one skilled in the art at the time to allow the seller to choose a preferred method of sale, i.e. auction or set-price, in order to give the seller the most flexibility, thereby enhancing customer satisfaction.

**Claims 53 -56, 60-77, 81-98, 102-119, 123-134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebb U.S Patent No. 6,067,532, as applied in claims 1, 13, and 34 in view of official notice.**

Gebb does not explicitly disclose that presenting information on the item to a "select group of consumers"

Examiner takes **official notice**, now admitted prior art, that membership-based websites that require password, login or some sort of identifying information to access the content are notoriously known in the art - examiner would like to note that the term "membership" is interpreted as broadly as possible and does not denote requirement of payment or subscription, it is merely defined here as a system that requires recognition of a user. Such mechanisms are generally implemented by requiring a user to supply certain information - including but not limited to a name, contact information, billing information -and storing that information in association with an identification - a password, a pin number, an ID, etc. - unique to the user. The user then can only view

content on the website they are registered and have provided the system with some information by which the system can track their activities and preferences. Such systems are widely implemented for the purpose of creating more relevant content and sales promotions that are targeted to the particular needs of each user, thereby increasing the likelihood of a sale.

In that Gebb accounts for the registration of sellers as well as the storage of buyer information, it would have been obvious to modify the system to further account for a registration-based login, as taught by official notice, that would only allow a select group of consumers to view the tickets available for resale, in order to create a more relevant and personalized web experience for users, thereby increasing the likelihood of generating revenue for the system.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3625

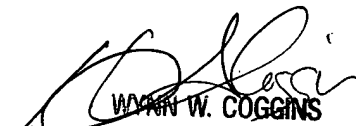
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*James Zurita*  
**Patent Examiner**  
**Art Unit 3625**  
6 December 2005

  
**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**